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Letter dated 15 August 2016 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General

I have the honour to forward to you a concept note for the Security Council open debate on the non-proliferation of weapons of mass destruction, which will be held on 23 August 2016 (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Ramlan **Ibrahim**
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Please recycle

Annex to the letter dated 15 August 2016 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General

Concept note for the Security Council open debate on the non-proliferation of weapons of mass destruction

> "*The Security Council...acting under Chapter VII of the Charter of the United Nations...calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery*".
>
> — Security Council resolution 1540 (2004)

Introduction

1. During its presidency of the Security Council for the month of August 2016, Malaysia will convene a high-level open debate on Tuesday, 23 August, on the topic "Challenges in addressing proliferation of WMDs, their means of delivery and related materials".[1] The meeting will be chaired by the Deputy Prime Minister of Malaysia, Ahmad Zahid Hamidi.

Background

2. The adoption of Security Council resolution 1540 (2004) in 2004 and the subsequent establishment of the 1540 Committee to monitor implementation of the provisions of the resolution was a significant milestone which demonstrated the international community's collective resolve to counter the proliferation of WMDs, their means of delivery and related materials, including and especially to non-state actors.

3. Over time, resolution 1540 (2004) has become an integral part of the global non-proliferation architecture alongside major international legally binding non-proliferation treaties and instruments such as the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological Weapons Convention and their respective implementation and monitoring mechanisms, namely the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons (OPCW) and the Biological Weapons Convention Implementation Support Unit.

4. With the aim of strengthening the implementation of the 1540 regime, Spain, in its capacity as a non-permanent member of the Security Council and Chair of the 1540 Committee, has embarked on a comprehensive review of resolution 1540 (2004) which has so far included one round of formal open consultations with all Member States, relevant international and regional organizations and civil society in June 2016. The outcome of this review, which will conclude in December 2016, is

[1] Related materials means materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

expected to provide proposals to Member States on strengthening the implementation of resolution 1540 (2004).

5. In line with its long-standing, principled position and support for disarmament and non-proliferation of WMDs as fundamental underpinnings of the global peace and security architecture, Malaysia believes that convening this open debate will contribute to the currently ongoing 1540 comprehensive review process.

Purpose

6. In seeking to focus on the challenges faced by States in addressing the proliferation of WMDs, their means of delivery and related materials, including on the non-nuclear-related aspects, the convening of this open debate aims to contribute to the 1540 comprehensive review process by affording space for a more focused deliberation and engagement by Member States on the relevant issues.

7. A clear understanding of challenges faced is crucial and particularly pertinent towards collective efforts in balancing the need for access to chemical, biological, radiological and nuclear materials, equipment and technologies for peaceful or legitimate purposes against the security and safety concerns over possible proliferation of WMDs to non-state actors.

8. The open debate also aims at raising awareness on emerging proliferation trends in scientific, technological and international commerce advancements that may be vulnerable to proliferation risk and exploitation by non-state actors.

Context

9. One key factor that greatly impacts the effectiveness of the 1540 regime's implementation is that it is highly dependent on the cooperation of States not only with each other but also with the United Nations and with regional/international organizations.

10. Recent advancements and breakthroughs in the relevant fields of science and technology have lowered the threshold for possible acquisition of WMDs and related materials by non-state actors.

11. While the visibility of this risk appears to be low, it is nevertheless real, and States must continue to maintain a constant state of alertness, readiness and vigilance.

12. There is a need for States to prioritize, among other things, chemical and biological safety and security as well as the regulation of materials, equipment and technology related to WMDs and their means of delivery. In addition, the linkages between these two areas pose a significant implementation challenge for States.

13. Furthermore, the increasing accessibility to information on developing or weaponizing certain chemical, biological, radiological or nuclear agents/materials through the use of information and communications technology, particularly with regard to the Internet, adds a new dimension to the proliferation threat.

14. In addition, a key enabling factor is States' capacity for implementation. In this regard, Member States participating in the open debate may wish to also reflect on challenges faced with regard to capacity-building and training needs.

15. Member States are invited to participate in the open debate and focus on the challenges in addressing the proliferation of WMDs, their means of delivery and related materials to non-state actors.

16. Member States are encouraged to make action-oriented proposals that could be considered in future deliberations on the subject. With a view to having a focused discussion, delegations may wish to consider the following issues and questions in their interventions/statements:

(a) To identify challenges faced in addressing proliferation of WMDs, their means of delivery and related materials to non-state actors;

(b) To identify areas where there needs to be vigilance on the risks posed through science, technological and international commerce advancements on proliferation of WMD materials, equipment and technologies to non-state actors;

(c) To consider innovative ways to minimize risk of misuse of scientific, technological and international commerce breakthroughs that could lead to proliferation of WMD materials, equipment and technologies to non-state actors;

(d) To assess the implementation and effectiveness of existing measures aimed at stemming the proliferation of WMDs, their means of delivery and related materials to non-state actors;

(e) To explore the measures that could be considered to strengthen the current international disarmament and non-proliferation architecture, including the existing legal and normative framework;

(f) To explore other measures that could be considered to effectively implement existing legal, preventive and oversight measures on the proliferation of WMDs, their means of delivery and related materials to non-state actors;

(g) To identify specific and practical proposals to encourage more effective implementation of existing international and regional-level treaties, conventions and other legal instruments;

(h) To reflect on the effectiveness of cooperation between and among States, the United Nations and specialized agencies such as IAEA, OPCW and the International Criminal Police Organization (INTERPOL), including at the regional level;

(i) To share challenges and best practices, for example in the implementation of export control regimes and on ensuring physical safety and security of nuclear materials, biosecurity, chemical security and destruction of WMDs;

(j) To reflect on the challenges relating to States' capacity to implement Security Council resolution 1540 (2004);

(k) To explore practical proposals for effective and substantive engagement with non-traditional partners such as parliaments, industries, academia and civil society in developing a collective approach to address the new threats;

(l) To share experiences and practical proposals for raising public awareness as part of a broader strategy to address proliferation of WMDs to non-state actors.

Participation and briefers

17. Secretary-General Ban Ki-moon will deliver opening remarks, followed by a briefing from Emmanuel Roux, the Special Representative of INTERPOL to the United Nations. From civil society, Gregory D. Koblentz, Associate Professor of Government and Politics and Director of the biodefense graduate programme at George Mason University, will address the Security Council on developments in science and technology relevant to proliferation risks of WMDs, their mean of delivery and related materials.

18. Member States are encouraged to limit their statements presented in the chamber to four minutes and to circulate the full versions of their texts.